Referendum F
Recall Deadlines

1 **Referendum F proposes a change to Section 2 of Article XXI of the <u>Colorado</u>**
2 **<u>Constitution</u> that:**

3 ◆ removes deadlines for protesting petitions to recall elected state officials;

4 ◆ allows the state legislature to set deadlines for protesting petitions to recall
5 elected state officials; and

6 ◆ changes the requirements for when a recall election is held.

7 **Summary and Analysis**

8 ***What is a recall election?*** A recall election lets voters remove and replace an
9 elected official prior to the end of the official's term. Every state and local elected official
10 in Colorado may be recalled. Recall elections occur mostly at the local level. At a recall
11 election, voters are asked if they want to recall the elected official and to choose a
12 candidate to replace the official if the recall election is successful.

13 ***Current state recall election process.*** Recall elections are triggered when the
14 required number of registered voters sign a recall petition. For elected state officials, the
15 required number of signatures is 25 percent of the votes cast for all candidates for that
16 office in the preceding election. Elected state officials include statewide officeholders,
17 such as the governor and the attorney general, and state officials elected from specific
18 districts, such as legislators and district attorneys. Proponents have up to 60 days to gather
19 signatures after a petition form is approved by state election officials. Signatures on
20 petitions can be protested, which results in a hearing by the election official. The date of
21 the recall election depends on when the petition is submitted, taking into account whether
22 a November election in an even-numbered year will occur in the near future.

23 ***Proposed recall petition and election deadlines for elected state officials.***
24 Referendum F removes most deadlines for recall petitions and protest hearings from the
25 state constitution and allows the state legislature to set these deadlines in statute. During
26 the 2006 legislative session, House Bill 06-1051 was passed concerning recall elections.
27 It will take effect July 1, 2007, if Referendum F is approved. As it relates to
28 Referendum F, this law extends deadlines for election officials to hear protests of recall
29 petitions and to hold recall elections. Table 1 compares the current recall deadlines with
30 those in Referendum F and the new statute.

Table 1 – Recall Election Deadlines

Issue	Current Constitutional Deadline	Referendum F Constitutional Deadline	Statutory Deadline
What is the deadline for protesting signatures on a petition?	15 days after the petition is filed	Deleted	No change from current statute - 15 days after the petition is determined to be sufficient
When must the election official conclude the hearing on a petition protest?	30 days after the petition is filed	Deleted	55 days after the petition is filed
How many days do proponents have to remedy petition shortfalls?	15 days after the petition is found to be insufficient	Deleted	Not specified
What is the deadline for holding a recall election?	Between 30 and 60 days after the petition is submitted	Between 30 and 60 days after the protest period ends and all petition protests have been finally decided	Between 30 and 60 days after the protest period ends and all petition protests have been finally decided
When must a recall election be held as part of a November election?	Held at the November election in even-numbered years if the recall petition is submitted in the 90 days before the election	Held at the November election in even-numbered years if it falls within 50 to 90 days after all petition protests have been finally decided	Held at any November election if it falls within 50 to 90 days after all petition protests have been finally decided

Arguments For

1) Referendum F gives the legislature the flexibility to change recall election procedures and deadlines to address changing circumstances such as population growth, new voting procedures, or new technology that improves the petition verification process. The current deadlines for recall petitions were added to Colorado's constitution in 1913, when a recall of the governor would have required one-fifth as many signatures as would be required today.

2) The current deadlines may be too tight for election officials to respond to petition protests and to conduct a recall election. For example, if a recall petition for the current governor is protested, state election officials could have as few as 5 days to hear protests on the validity of 358,200 signatures. Also, if a recall petition is submitted close to a November election in an even-numbered year, there may not be enough time to prepare and reprint a new ballot. Referendum F allows the legislature to take all circumstances into account in setting deadlines for the recall election process.

Arguments Against

1) Referendum F puts too much power in the hands of legislators and the governor by allowing them to amend election deadlines that regulate recall of their own offices. These officials may have an incentive to adopt deadlines that make their recall more difficult or that extend their time in office before facing a recall election. Referendum F also removes the 15-day period for collecting additional signatures to remedy a shortfall. Without this guaranteed period of time, it is uncertain if there is any additional time to remedy petition shortfalls. Further, Referendum F is unnecessary because no statewide elected official has ever been the subject of a recall election.

2) Citizens should be able to remove unsatisfactory officials as quickly as possible and replace them with elected officials of their choice. Under the deadlines in the new law, elected officials may have more days in office prior to a recall election. This additional time may provide an advantage for an elected official to organize opposition to his or her recall. Recall proponents already face the difficult challenge of obtaining the high number of signatures required by the state constitution.

Estimate of Fiscal Impact

Referendum F is not expected to affect state or local government revenues or expenditures.